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**FACSIMILE TRANSMITTAL**

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**TO:**

**Name:** Mail Stop AF  
Group Art Unit 3733/Examiner James L. Swiger III

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 10/809,149  
Gary K. Michelson

**Filed:** March 25, 2004

**METHOD FOR USING ARCUATE DYNAMIC  
LORDOTIC GUARD WITH MOVABLE  
EXTENSIONS FOR CREATING AN  
IMPLANTATION SPACE POSTERIORLY IN  
THE LUMBAR SPINE**

**Attorney Docket No.** 101.0093-02000

**Customer No.** 22882

**Confirmation No.:** 7390

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 8

**Date:** April 20, 2007

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate: \$500 Notice of Appeal fee), Notice of Appeal, and Pre-Appeal Brief Request for Review with Form PTO/SB/33 are being facsimile transmitted to the U.S. Patent and Trademark Office on April 20, 2007.

  
Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0093-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**  
**CENTRAL FAX CENTER**

APR 20 2007

In re application of:

Gary K. Michelson

Serial No: 10/809,149

Filed: March 25, 2004

For: METHOD FOR USING ARCUATE  
DYNAMIC LORDOTIC GUARD WITH  
MOVEABLE EXTENSIONS FOR  
CREATING AN IMPLANTATION  
SPACE POSTERIORLY IN THE  
LUMBAR SPINE

Confirmation No.: 7390

Art Unit: 3733

Examiner: James L. Swiger III

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Further to the Reply to Final Office Action submitted March 14, 2007 and Advisory Action dated April 11, 2007, transmitted herewith is a Notice of Appeal in reply to the Final Office Action dated February 26, 2007 the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☒ Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.
- ☒ The total amount of \$500.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
  - ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
  - ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: April 20, 2007

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